

Pacific Code Compliance

David Martinez
Principal



April 24, 2014

Christine Kelly
Director, Land Use Services
County of San Bernardino
385 North Arrowhead Ave.
1st & 2nd Floors
San Bernardino, Ca. 92415-0182

RE: Project No. P201300086, A CUP to establish a 6,793 SqFt convenience store, gas station and a caretaker residence, Erwin Lake/3rd Supervisorial District. **Request for Public Information Meeting**

Dear Director Kelly

On behalf of several hundred concerned citizens and neighbors of this proposed project I am making an official request for the County of San Bernardino Planning Department to conduct a Public Meeting, in the next two weeks, and prior to the scheduled upcoming Planning Commission meeting set for May 22, 2014, to address the issues outlined in this letter and in the letters delivered to the Planning Commission at the meeting on April 17, 2014..

As you have been made aware there are several unresolved issues relating to the proposed development that can and will have possible negative effects to the environment, the neighborhood, the water quality, water table, drinking water, traffic, and the fully protected and endangered species (Stickleback fish). Additionally we believe that the staff Planner has also utilized an improper exception in CEQA to allow for the percolation of pollutants and contaminations into the drinking water. We also believe that the Conditional Use Permit and the proposed Mitigated Negative Declaration should NOT be approved and in fact that a complete and full Environmental Impact Report must be completed for this proposed project.

Our concerns are shared and similar concerns have also been expressed by the State Department of Fish and Wildlife, the California Department of Transportation, The California Highway Patrol, the California Water Quality Control Board, Santa Ana Region, and we also believe that the proposed development will have an impact on the Big Bear City Community Services District and the City of Big Bear Lake Department of Water and power.

Mr. Jeff Brandt, Habitat Conservation, California Department of Fish and Wildlife has also agreed to attend the meeting and provide a brief presentation to the County and to the local residences on the potential dangers to the endangered and fully protected stickleback fish. He can be contacted at 909-987-7161.

The residences surrounding this proposed development rely totally on wells to provide their drinking water. These drinking water wells are controlled and supplied by the City of Big Bear Lake Department of Water and Power, and by the Big Bear City Community Services District. Additionally the area qualifies as a "Sole Source Aquifer (SSA) Protected Program".

An SSA designation is one tool to protect drinking water supplies in areas where there are few or no alternative sources to the ground water resources and where, if contamination occurred, using an alternative source would be extremely expensive. The designation protects an area's water resource by requiring EPA to review certain proposed projects within the designated area. Therefore we also believe that the Environmental Protection Agency (EPA) must also review, comment and condition this project prior to any approval going forward.

We understand that gas stations are found everywhere. We also understand that gas station contaminants are also found everywhere. These contaminants include mixtures of volatile organic compounds, (mainly hydrocarbons) and a series of additives which are blended with petroleum distillates. The main contaminants include the following:

1. Benzene
2. Toluene
3. Ethylbenzene
4. Xylenes
5. Pd
6. MTBE
7. Ethylene dichloride (EDC)
8. Naphthalene

We also believe that the proposed development will NOT meet the minimum traffic control, and turn radius requirements as outlined by the County of San Bernardino's Public Works development standards and requirements.

In closing we would request that the meeting be held at the Big Bear Discovery Center, located at 40971 North Shore Drive, Fawnskin, CA. 92333, they can be contacted at 909-866-3437. We would also request that the meeting include representatives from the following State of California Department of Transportation, California Highway Patrol, California Department of Fish and Wildlife, County of San Bernardino Public Works Department, City of Big Bear Lake Department of Water and Power, and the Big Bear City CSD as well as representatives from the EPA.

If you have any questions or require any additional information, please feel free to contact me at anytime at 909-583-1579. We look forward to working with you to resolve all these outstanding issues.

Sincerely



David J. Martinez
Principal

CC: Director of Public Works, County of San Bernardino
President of the Board, Big Bear City CSD
City of Big Bear Lake, General Manager, DPW
California Highway Patrol, Commander
California Department of Transportation
California Department of Fish and Wildlife

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April 15, 2014

Randolph Coleman, 1st District Planning Commissioner
Raymond J. Allard, 2nd District Planning Commissioner
Paul F. Smith, 3rd District Planning Commissioner
Nan Rider, 4th District Planning Commissioner
Audrey Mathews, 5th District Planning Commissioner

RE: Project No. P201300086, A CUP to establish a 6,793 SqFt convenience store, gas station and a caretaker residence, Erwin Lake/3rd Supervisorial District. Letter of Opposition to the proposal.

Dear Chairman and Planning Commissioners

On behalf of several concerned citizens and neighbors of this proposed project I am writing this letter to express their opposition to the proposed new development, to the proposed approval of the Conditional Use Permit (CUP) and for the approval of the proposed Mitigated Negative Declaration. We understand that the County Planning Staff have already received several Hundred letters in opposition to the proposal and a few letters of support. However there are several important items that we believe have not been reviewed and conditioned to the minimum requirements of the EIR and the CUP.

I will limit our concerns to only a few important issues, outlined as follows:

1. **Biological Resources Issues:** Indicates that any seepage/spillage from the site would most likely be contained before any gasoline or diesel fuel reaches the intermittent channels of Shay Creek and therefore would not cause any potential harm to the endangered and protected Stickleback fish located only about 2 miles from this proposed site. In fact Shay Pond is located only one mile away from this proposed project. There are at least three potential issues with this statement that we take exception to and feel very strongly that additional mitigation measures must be taken in order to address the potential seepage and spillage on this site.
 - A. First the proposed new development proposed to sheet flow the drainage from the site and is also proposes to allow the site to retain some of the drainage by installing a pervious paving material thereby allowing some of the drainage to settle down into the water table.
 - B. There is no guarantee that the possible seepage and spillage will not affect the protected and endangered and fully protected Stickleback fish with this type of proposed drainage and retention design. Shay Pond is only one mile away from this proposed construction site.
 - C. The water table, which is very high in this area and in some cases is as high as 50 feet below the surface, is utilized by the residents as potential drinking water as much of the area water is provided to the local citizens by water wells and not through a City, County or private water company. The possibility does exist that the spillage and seepage might get into the drinking water.

2. **Traffic and Circulation issues:** Indicates that a traffic study was completed by Hall & Foreman Inc. to address the traffic impacts of the project as a whole. Additionally the traffic study indicates that a traffic signal warrant analysis was also conducted at the intersection of Highway

38 and State Lane to determine if the installation of a traffic control signal would improve the overall safety and/or operation of the intersection. This is based on their findings that there has only been one traffic accident in the past five years at this location. We have found this to be incorrect and misleading. Our research indicates that there have been at least ten accidents at this location since 2008 resulting in five injuries with one fatality and another five non-injuries. Both Cal-trans and the County Planning staff have been notified about these issues. This information is based on information received from the California Highway Patrol. A letter from Lt. J. Holguin Commander of the Arrowhead area California Highway Patrol has already been forwarded to the staff Planner.

Additional concerns on this issue have been also provided by the Department of Transportation. A copy of their letter has been attached to this document for your information. In figure 10 of the traffic report dated June 13, 2013 prepared by Hall & Foreman, Inc. the left turn volumes on State Route 38 onto State Lane are 290 vehicles per hour for the PM peak. Based on Caltrans Access Management, this left turn volume meets the left turn lane warrant. Therefore, the southbound left turn lane on State Route 38 at State Lane is eligible.

- A. We strongly believe that the true traffic accident history of this intersection does warrant the installation of a traffic signal and strongly recommend that one be installed. We believe that a condition of approval must be added that would direct the applicant to install a traffic signal at this intersection.
- B. We believe that this issue alone should justify a full Environmental Impact Report to be completed rather than the proposed Mitigated Negative Declaration.
- C. We strongly believe that the California Department of Transportation also has concerns about the traffic volume at the intersection and at the very least a left turn lane must be provided along with a left turn signal at this intersection.
- D. Caltrans also believes that there is very limited visibility at this intersection and the proposal requires further review by the Department of Transportation.

3. **CEQA GUIDELINES:** A Senior Environmental Scientist from the California Water Quality Control Board, Santa Ana Region also shares our concerns relating to the filing of a Mitigated Negative Declaration for this proposed project. He has indicated that there is a reference to the issue in www.califaep.org/docs/CEQA/CEQAHandbook2011.pdf among other places.

The sections concerning categorical exemptions start with CEQA Guidelines section 15300, on page 266 of the document at the url above. All the information the County should need about why the project should NOT be considered categorically exempt from CEQA reporting requirements is in Sections 15300 through (about) 15305. Note section 15300.2 that discusses exceptions from exemption. Even if an exemption could apply, since the project may have an impact on an environmental resource of critical concern, it should be excepted from exemption. This information of concern was provided by Mark G. Adelson.

- A. We strongly believe that the planner has used a CEQA exemption to allow for the percolation of drainage incorrectly.
- B. We have also discussed this improper percolation method with Fish and Wildlife and they have also expressed their concern for the protected Stickleback fish located at the Shay Meadow pond. They indicated that they were not happy with the proposed planned percolation method for this project.

Finally we strongly urge the Planning Commission to reject this proposed commercial development and send the proposed project back to the County Planning staff for further review and for the completion of a full Environmental Impact Report and at the very least, for the installation of a new traffic signal with a left turn lane. We would also request that County Planning Staff work closer with the California Highway Patrol and the Department of Transportation relating to the traffic issues exposed at this location and to also work closer with both the California Water Quality Control Board, Santa Ana Region and with the California Fish and Wildlife for the protection of the endangered and fully protected Stickleback fish. All these State Agencies share our concerns about the proposed new development and would like to have further input and review on the proposed project. This might be a small project as indicated by the staff Planner but this small project has a very large impact on the community and the environment.

We wish to thank you for any consideration for our concerns and for taking the time to review and address our concerns. If you have any questions or require any additional information please feel free to contact me at anytime at 909-583-1579. We would be glad to meet with the Planning staff at any time to review, discuss and resolve the issues and concerns discussed above.

Sincerely

A handwritten signature in black ink, appearing to read "David J. Martinez", written over a light blue horizontal line. The signature is fluid and cursive.

David J. Martinez
Principal

Attachments: Department of California Highway Patrol letter dated February 24, 2014
Department of Transportation letter dated April 14, 2014

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

31230 Highway 18
P.O. Box 997
Running Springs, CA 92382-0997
(909) 867-2791
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



February 24, 2014

File No.: 865.13921

Mr. Jerald Vantine
2499 State Lane
Big Bear City, CA 92314

Subject: Information Request

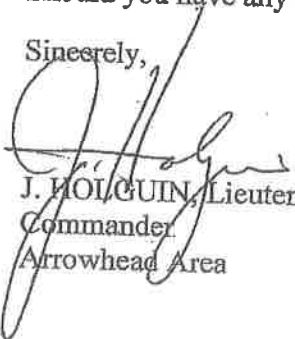
Dear Mr. Vantine:

As requested, the following is information regarding traffic collisions that occurred at or near the intersection of State Lane and State Route 38. The information is from 01-01-2008 until 02-24-2012.

08-25-2008 Non-injury traffic collision
11-21-2008 Injury traffic collision
05-05-2009 Non-injury traffic collision
09-29-2009 Non-injury traffic collision
10-27-2009 Fatal traffic collision
04-01-2010 Injury traffic collision
08-22-2010 Non-injury traffic collision
02-09-2011 Injury traffic collision
03-20-2011 Injury traffic collision
05-14-2012 Injury traffic collision

Should you have any questions please do not hesitate to contact me at (909) 867-2791.

Sincerely,


J. HOLGUIN, Lieutenant
Commander
Arrowhead Area



Safety, Service, and Security

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DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

464 WEST FOURTH STREET, 6th FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY 711

www.dot.ca.gov/dist8

*Flex your power!
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April 14, 2014

Mr. Jerald Vantine
2499 State Lane
Big Bear, CA. 92314

Eagle Ridge Market-State Hwy 38 & State Lane, Erwin Lake, CA. 08-SBD-38-PM46.533

Dear Mr. Vantine,

The CHP traffic data you submitted on February 27, 2014 has been reviewed.

In figure 10 of the traffic report dated June 13, 2013 prepared by Hall & Foreman, Inc. the left turn volumes on State Route 38 onto State Lane are 290 vehicles per hour for PM peak. Based on Caltrans Access Management, this left-turn volume met the left-turn lane warrant. Therefore, the southbound left turn lane on State Route 38 at State lane intersection is eligible.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Bob Ortiz at (909) 806-3954 or myself at (909) 383-4557 for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Kopulsky".

DANIEL KOPULSKY
Office Chief
Community and Regional Planning

C: Mr. Oxso Shahriari
County of San Bernadino